

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVY GRU, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

AXSOME THERAPEUTICS, INC.,
HERRIOT TABUTEAU, NICK PIZZIE,
MARK JACOBSON, CEDRIC O'GORMAN,
and KEVIN LALIBERTE,

Defendants.

C.A. No. 1:22-cv-3925-LGS

STIPULATION AND [PROPOSED] ORDER

WHEREAS, on May 13, 2022, Plaintiff, Evy Gru, filed his Class Action Complaint (the “Initial Complaint”) against Defendants Axsome Therapeutics, Inc., Herriot Tabuteau, M.D., Nick Pizzie, Mark Jacobson, Cedric O’Gorman, M.D., and Kevin Laliberte (collectively, “Defendants,” and together with Plaintiff, the “Parties” and each a “Party”);

WHEREAS, this action is subject to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4, which establishes the procedure by which members of the putative class may seek appointment as Lead Plaintiff by filing motions to appoint a lead plaintiff sixty days after the date on which the initial plaintiff publishes notice advising putative class members of the filing of the action;

WHEREAS, Plaintiff represents that the notice was published on May 13, 2022;

WHEREAS, applications for appointment as Lead Plaintiff were filed on July 12, 2022;

WHEREAS, in the interests of judicial economy and conserving the resources of the Parties and the Court, all Parties agree that no answer, motion, or other response to the Initial Complaint should be due until after the Court has appointed a Lead Plaintiff and approved the selection of lead counsel to represent the putative class, and Lead Plaintiff and Lead Counsel have had the opportunity to consider whether to designate the Initial Complaint as operative or to file an amended or consolidated complaint, which would supersede the Initial Complaint;

WHEREAS, no Party has previously moved the Court for an adjournment or extension of time as to any matter in this case;

WHEREAS, the Parties, by and through their counsel, have met and conferred and, for the convenience of the Parties and the Court, hereby enter into the following stipulation regarding the schedule in this matter, subject to the Court's approval;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the Parties, that:

1. Counsel for Defendants will accept and/or waive service of the Summons and Initial Complaint on behalf of each of the foregoing Defendants without prejudice to, or waiver of, any rights, arguments, or defenses otherwise available, except for adequacy of service of process;

2. Defendants shall have no obligation to answer or otherwise respond to the Initial Complaint, or any other complaint filed in this action, until after the appointment of a Lead Plaintiff and after Lead Plaintiff files an amended or consolidated complaint or designates an operative complaint;

3. After a Lead Plaintiff is appointed, the Parties will confer and propose to the Court a schedule for the filing of any amended or consolidated complaint and Defendants' response;

4. In the event that the Court allows Defendants to file a motion to dismiss the

operative complaint after the Parties' submissions of pre-motion letters pursuant to Rules III.A.1 and III.C.2 of the Court's Individual Rules and Procedures for Civil Cases, the Parties will submit a proposed briefing schedule for the Court's consideration;

5. This stipulation is entered without prejudice to any Party's seeking any interim relief; and

6. Nothing herein shall be deemed to constitute a waiver of any rights, defenses, objections, or any other application to any court that a Party may have with respect to the claims set forth in the Initial Complaint.

Respectfully submitted,

POMERANTZ LLP

/s/ Jeremy A. Lieberman

Jeremy A. Lieberman
J. Alexander Hood II
James M. LoPiano
600 Third Avenue, 20th Floor
New York, New York 10016
Tel: (212) 661-1100
jalieberman@pomlaw.com
ahood@pomlaw.com
jlopiano@pomlaw.com

THE SCHALL LAW FIRM

Brian Schall (*pro hac vice* application
forthcoming)
2049 Century Park East, Suite 2460
Los Angeles, California 90067
Tel: (424) 303-1964
brian@schallfirm.com

Attorneys for Plaintiff

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

/s/ Emily E. Renshaw

Emily E. Renshaw (#5728068)
101 Park Avenue
New York, NY 10178-0060
Tel: (212) 309-6000
emily.renshaw@morganlewis.com

Michael L. Kichline (*pro hac vice*
application forthcoming)
1701 Market Street
Philadelphia, PA 19103
Tel: (215) 963-5000
michael.kichline@morganlewis.com

Matthew C. McDonough (*pro hac vice*
application forthcoming)
Michael A. Hacker (#5571963)
One Federal Street
Boston, MA 02110
Tel: (617) 341-7700
matthew.mcdonough@morganlewis.com
michael.hacker@morganlewis.com

Attorneys for Defendants

Dated: _____, 2022

IT IS SO ORDERED:

Honorable Lorna G. Schofield
United States District Judge